

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JONATAN BARAHONA and HECTOR HERNANDEZ,
Plaintiff(s),
Civil Action No. 2:21-cv-05400

-against-
PARADISE TREE SERVICE & LANDSCAPE, CORP. and
WILLIAM NIETO,

Defendant(s).

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445 Broadhollow Road
Melville, New York
February 6, 2023
10:25 a.m.

DEPOSITION BEFORE TRIAL of JONATAN
BARAHONA, one of the Plaintiffs, taken by Defendant,
pursuant to Federal Rules and Regulations, and Court
Order, held at the above-noted time and place, before
Lisa Conway, a Stenotype Reporter and Notary Public
within and for the State of New York.

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A P P E A R A N C E S:

MOSER LAW FIRM, P.C.
Attorney for Plaintiffs
5 E. Main Street
Huntington, New York 11743
BY: STEVEN J. MOSER, ESQ.

THE LAW OFFICE OF GLENN J. INGOGLIA
Attorney for Defendants
104 Long Beach Road
Island Park, New York 11558
BY: GLENN J. INGOGLIA, ESQ.

ALSO PRESENT:
Carolina Barbato, Spanish Interpreter
Eiber Translations

Robert Calvert, Videographer
In House Video Department, Inc.
Hector Hernandez
William Nieto

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S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by and between the attorneys for the respective parties herein, that filing, sealing and certification shall be and the same are hereby waived.

IT IS FURTHER STIPULATED AND AGREED that all objections, except as to form of the question, shall be reserved to the time of the trial.

IT IS FURTHER STIPULATED AND AGREED that the within deposition may be signed and sworn to before any officer authorized to administer an oath, with the same force and effect as if signed and sworn to before the Court.

1
2 THE VIDEOGRAPHER: We are now on the
3 record. This is the video operator
4 speaking, Robert Calvert, representing
5 Enright Reporting, offices located at 100
6 South Main Street, Sayville, New York.
7 Today's date is February 6, 2023. The time
8 on the video monitor is 10:25 a.m. We are
9 at the offices of Enright Reporting located
10 at 445 Broad Hollow Road, Melville, New
11 York to take the videotaped deposition of
12 Jonatan Barahona in the matter of Jonatan
13 Barahona and Hector Hernandez versus
14 Paradise Tree Service & Landscape, Corp.,
15 et al. The venue of this case is the
16 United States District Court for the
17 Eastern District of New York. The Index
18 No. is 2:21-cv-05400.

19 Will counsels please voice identify
20 themselves and state whom they represent.

21 MR. INGOGLIA: For the Defendant,
22 Paradise Tree Service and William Nieto,
23 Glenn Ingoglia, 104 Long Beach Road, Island
24 Park, New York.

25 MR. MOSER: For the Plaintiffs,

1
2 Jonatan Barahona and Hector Hernandez,
3 Steven Moser, 5 East Main Street,
4 Huntington, New York 11743.

5 THE VIDEOGRAPHER: Will our court
6 reporter please swear in the interpreter
7 and our witness.

8 C A R O L I N A B A R B A T O, called as the
9 Interpreter in this matter, was duly sworn
10 by a Notary Public of the State of New
11 York, to accurately and faithfully
12 translate the questions propounded to the
13 Witness from English into Spanish and the
14 answers given by the Witness from Spanish
15 into English.

16 -oOo-

17 J O N A T A N B A R A H O N A, the Plaintiff
18 herein, having first been duly sworn by the
19 Notary Public, through the Interpreter, was
20 examined and testified as follows:

21 EXAMINATION BY

22 MR. INGOGLIA:

23 Q State your name for the record, please.

24 A Jonatan Barahona.

25 Q State your address for the record, please.

1 JONATAN BARAHONA

2 A 95 Fairview Boulevard, Hempstead, New York
3 11550.

4 Q Hello, Mr. Barahona. My name is Glenn
5 Ingoglia. I represent the Defendants in this matter.
6 I'm going to ask you some questions today. If at any
7 time you don't understand one of my questions, please
8 let me know and I'll do my best to repeat it. We're
9 being videoed today and also everything we say is
10 being taken down by the court stenographer. I'll ask
11 that you allow me to finish a question before you
12 start answering it because the court stenographer can
13 only take down one of us at a time.

14 A Okay.

15 Q If at any time you need a break, simply ask
16 and I'll do my best to accommodate it. The only
17 thing I ask is that if there's a question pending,
18 that you answer the question first before we take a
19 break.

20 A Okay.

21 Q Thank you.

22 You've given your name and I just want to
23 make sure your first name, Jonatan, is that spelled
24 J-O-N-A-T-H-A-N?

25 A No, without the H.

1 JONATAN BARAHONA

2 Q So you're first name is spelled
3 J-O-N-A-T-A-N?

4 A Yes, correct.

5 Q Fabricio, is that spelled
6 F-A-B-R-I-C-I-O?

7 A Yes.

8 Q And Lopez is L-O-P-E-Z?

9 A Correct.

10 Q And Barahona is B-A-R-A-H-O-N-A?

11 A Correct.

12 Q Have you ever been known by any other
13 names?

14 A No.

15 Q Do you have any identification with the
16 name Jonatan Barahona?

17 A Just with those two names, the
18 identification.

19 Q Containing those names. They can have more
20 names though.

21 A Yes, yes, I do have them.

22 * Q What are the identifications, what forms?

23 A I have the picture on my passport.

24 Q If I can see it, please?

25 MR. MOSER: Objection.

1 JONATAN BARAHONA

2 We'll take the request under
3 advisement.

4 MR. INGOGLIA: You're objecting to him
5 providing proof of identification?

6 MR. MOSER: Yes.

7 MR. INGOGLIA: Let's mark it for a
8 ruling, please.

9 Q The passport that you were going to show
10 me, does that con -- what name is on that passport?

11 A The same they gave me.

12 Q Which is what?

13 A I'm sorry, which is what? I don't
14 understand the question.

15 Q You say the name that you gave me. I have
16 four names here, so just tell me what names are on
17 the passport.

18 A All of them.

19 Q Where is that passport issued from?

20 A Honduras.

21 * Q Do you know when that passport expires?

22 MR. MOSER: Objection.

23 Don't answer the question.

24 MR. INGOGLIA: Mark it for a ruling,
25 please.

1 JONATAN BARAHONA

2 Q Now, your current residence at 95 Ferview
3 Boulevard, how long have you lived there?

4 A More than one year.

5 Q Is it possible that you've lived there more
6 than two years?

7 A Probably.

8 Q Is it possible you lived there more than
9 three years?

10 A No.

11 Q Who do you currently live there with?

12 A With my wife and my daughter.

13 Q What's your wife's name?

14 A It's necessary, all of that?

15 Q Yes.

16 A Tatiana Granados.

17 THE INTERPRETER: Tatiana,

18 T-A-T-I-A-N-A.

19 Q T-A?

20 A T-H-A-T-I-A-N-A, Granados,

21 G-R-A-N-A-D-O-S.

22 MR. INGOGLIA: I'm sorry, you're going
23 to have to spell that for me again,
24 I'm sorry. T-H-A?

25 THE INTERPRETER: T-I-A-N-A,

1 JONATAN BARAHONA

2 Thatiana.

3 MR. INGOGLIA: T-H-A-T-I --

4 THE INTERPRETER: A-N-A, Granados,
5 G-R-A-N-A-D-O-S.

6 Q Mr. Barahona, is your wife's first name
7 spelled T-A-T-I-A-N-A or is it spelled
8 T-H-A-T-I-A-N-A?

9 A The second one that you mentioned.

10 Q T-H-A-T?

11 A Correct, yes.

12 Q How long have you been married?

13 A Well, I'm not legal me married. We're just
14 living together.

15 Q Okay, fine.

16 How long have you been living together?

17 A For two years.

18 Q You said you have a child as well?

19 A Yes.

20 Q Can you just give me the age and the
21 name?

22 A Her name's Yaritza, Y-A-R-I-T-Z-A, Barahona
23 and she's five months old.

24 Q Congratulations.

25 A Thank you.

JONATAN BARAHONA

Q That's Yaritza, Y-A-R-I-T-Z-A?

A Yes.

Q Mr. Barahona, what is your date of birth?

A January 24, 1990.

Q 95 Ferview is that F-E-R-V-I-E-W or is that spelled differently?

A F-A-I-R-V-I-E-W.

Q Thank you.

Prior to living at 95 Fairview Boulevard in Hempstead, where did you live before that?

A In Hempstead.

Q What was the address?

A The name was Gernishon (phonetic spelling), but I don't know how to spell it.

Q Gernishon?

A Gernishon is the way that I'm pronouncing it. I don't know exactly. It's been a while that I moved out of there.

Q Was that a private residence?

A It was a house that I was renting. I don't know if it's private or not.

Q Were you living there with your -- with Thatiana at the time?

A No.

1 JONATAN BARAHONA

2 Q Who were you living there with, if
3 anyone?

4 A By myself.

5 Q Where was this place located?

6 A In Hempstead.

7 Q Did you ever live on South Franklin Street
8 in Hempstead?

9 A No.

10 Q This place, your prior residence, how long
11 did you live there?

12 A (Speaking in Spanish after translation.)

13 Q Yes, the one before Fairview.

14 A I don't know. I can't remember. I can't
15 tell you that.

16 Q Was it more than a year or less than a
17 year?

18 A Probably one year maybe. I'm not sure.

19 Q Do you have any records that would indicate
20 the address?

21 A No.

22 Q Can you please spell, as best you can, the
23 street that you lived on?

24 A No, I don't know. I just know that the
25 name was Gernishon, something like that.

1 JONATAN BARAHONA

2 Q Okay.

3 Prior to living at Gernishon, where did you
4 live before that?

5 A Is this necessary, all these questions?

6 Q Let's just do this for this whole
7 deposition. I'm going to ask questions. If your
8 attorney has an objection, he'll state it, otherwise
9 I really don't want you to question whether or not
10 it's necessary, please.

11 A Okay.

12 MR. MOSER: I just want to note for my
13 client that I believe the question was
14 proper and said in a respectful way.

15 THE WITNESS: Okay.

16 MR. INGOGLIA: What's going on? I
17 have a question pending I think.

18 Q Prior to living at Gernishon, where did you
19 live?

20 A I used to live in 22 Court Wall Lane,
21 C-O-U-R-T, Wall, W-A-L-L, lane.

22 Q Where is that?

23 A In Hempstead.

24 Q How long did you live there?

25 A For like two to three years.

1 JONATAN BARAHONA

2 Q Was that a house or was it an apartment?

3 A A house.

4 (Answered in English after translation of
5 the question.)

6 Q Who did you live there with?

7 A Alone.

8 Q All right, we'll go one more.

9 Prior to that where did you live, and we'll
10 move on?

11 A I don't remember.

12 Q Did you live in Hempstead?

13 A I always lived in Hempstead.

14 Q Always, your entire life?

15 A No, I live in a different place in Texas.

16 Q Where?

17 A I don't remember.

18 Q Where in Texas was it?

19 A In Dallas.

20 Q Okay.

21 What was the address?

22 A I have no idea.

23 Q How long did you live in Dallas, Texas?

24 A One year and 10 months.

25 Q One year and 10 months?

1 JONATAN BARAHONA

2 A No, no, for 10 months or one year.

3 Q Around 10 months to one year, something
4 like that?

5 A Yes, yes, from 10 months to one year,
6 around that.

7 Q Prior to living in Dallas, where did you
8 live?

9 A In Honduras.

10 Q What part of Honduras did you live?

11 A Teguciaglpá, T-E-G-U-C-I-G-A-L-P-A.

12 Q What year did you come to this country?

13 A In 2014. Between 2013 and 2014.

14 * Q Are you a citizen of the United States?

15 MR. MOSER: You can translate, but
16 objection.

17 Don't answer the question.

18 * Q Are you a citizen of Honduras?

19 MR. MOSER: Objection.

20 Don't answer the question.

21 * Q Have you ever obtained a work visa for the
22 United States whether it's expired or not expired?

23 MR. MOSER: Objection.

24 Don't answer the question.

25 * Q Are you a resident alien of the United

1 JONATAN BARAHONA

2 States?

3 MR. MOSER: Objection.

4 Don't answer the question.

5 * Q Are you an illegal alien and you are in the
6 United States illegally?

7 MR. MOSER: Objection.

8 Don't answer the question.

9 MR. INGOGLIA: Mark them all for a
10 ruling, please, all the ones he instructed
11 his client not to answer.

12 Q Did there come a time when you were
13 employed by Paradise Tree Service?

14 A Yes.

15 Q When was that?

16 A In March of 2017.

17 Q What were you employed as?

18 A I can't describe it, but I was like the
19 right hand for the head person from the company.

20 Q Was the head person from the company
21 Mr. Nieto?

22 A Can you repeat the question?

23 Q Was the head person from the company
24 Mr. Nieto, the guy who's sitting next to me?

25 A Yes.

1 JONATAN BARAHONA

2 Q And when you were hired in March of 2017,
3 how often did you work?

4 A Five days per week, six times.

5 MR. INGOGLIA: I'm sorry, five days
6 per week. What was the --

7 THE INTERPRETER: Or six days.

8 Q Five or six days per week?

9 A Correct.

10 Q How were you paid?

11 A \$150 per day.

12 Q Was that cash, check or some other way?

13 A Cash.

14 Q How long did you work for Paradise Tree
15 Service?

16 A Exactly I don't know, but I would say five
17 years.

18 Q Okay.

19 During that five years, did your salary
20 increase?

21 A Until I drive. I drove.

22 Q What does that mean? I don't know. Did
23 your salary increase during those five years?

24 MR. MOSER: Objection to form.

25 A If I didn't have to drive, they used to

1 JONATAN BARAHONA

2 give me \$150, but if I have to drive, they increase
3 another \$50.

4 Q So if you had to drive, you're saying you
5 would get paid an additional \$50 than your regular
6 salary?

7 A Yes.

8 Q But during the course of your employment at
9 Paradise from roughly March 2017 to March of, let's
10 say, 2022, did your salary ever increase, and I'm not
11 talking because you drove or not?

12 A No.

13 Q So during the time that you were working
14 for Paradise Tree Service, would it be fair to say
15 that your salary stayed the same the entire time, you
16 never got a raise?

17 MR. MOSER: Objection as to form.

18 That mischaracterized what the witness had
19 said.

20 MR. INGOGLIA: Well, I'll ask it
21 then.

22 Q Did your salary ever increase at any point
23 besides driving during those four years that you
24 worked for Paradise Tree?

25 A No.

1 JONATAN BARAHONA

2 Q Okay.

3 Did there come a time during the year when
4 either you would stop working --

5 MR. INGOGLIA: Actually, that's the
6 question.

7 Q Did there come a time during the year while
8 working for Paradise Tree where you would stop
9 working?

10 A Only when it was raining.

11 Q How about during the winter months like
12 November, December, January, February?

13 A We work less December, January, February.

14 Q When you worked less during December,
15 January and February, would you still earn the same
16 amount, the same salary?

17 A The same, correct.

18 Q How often would you drive?

19 A Since the first day.

20 Q In other words, you drove a lot or often or
21 all the time, something else?

22 A A lot.

23 Q So did you earn -- since you drove --

24 MR. INGOGLIA: Withdrawn.

25 Q Since you drove a lot, did you earn \$200

1 JONATAN BARAHONA

2 per day, most of the time?

3 A Correct.

4 Q And would it be fair to say that you worked
5 until -- for Paradise Tree until 2021 or something
6 else?

7 A Only June of 2021.

8 Q Thank you.

9 Not including December, January and
10 February, the slow months, but the other months, when
11 would your workday start and when would it end
12 normally?

13 MR. MOSER: Objection as to the
14 form.

15 A Well, we were supposed to start at
16 7:00 a.m. in the morning. Sometimes it could be a
17 little bit before or after, but the time to leave, we
18 never had a set time.

19 MR. INGOGLIA: Do you want a break?

20 MR. MOSER: No, it's all right.

21 Q Well, so let me break this down.

22 So you said you were supposed to start at
23 7:00 a.m. in the morning?

24 A Correct.

25 Q What time did you normally start?

1 JONATAN BARAHONA

2 A To work, once you get to the job, you start
3 working, so it could have been 6:50, 7:00 'cause once
4 we walk into the job, we have to start checking the
5 trucks, the tools.

6 Q Well, didn't you report to Paradise's
7 location where the equipment was first?

8 MR. INGOGLIA: Are you shaking your
9 head, counsel? I rather you not do that.
10 I would rather you not shake your head
11 toward your witness.

12 A Can you repeat the question, please?

13 MR. INGOGLIA: Can you read it back,
14 please.

15 MR. MOSER: If I can just advise the
16 witness that you're shifting a little bit
17 in your chair and it's a little
18 distracting, so try not to shift back and
19 forth in your chair.

20 THE WITNESS: Okay.

21 MR. MOSER: Thank you.

22 (The requested portion of the record
23 was read by the reporter.)

24 A Yes.

25 Q Okay.

1 JONATAN BARAHONA

2 So what time would you normally report to
3 Paradise's location?

4 A At 7:00 a.m.

5 Q So you wouldn't report to a job site at
6 7:00 a.m., it would be -- your testimony is that you
7 would report to Paradise's location where the
8 equipment was at 7:00 a.m.?

9 A Correct.

10 Q All right.

11 So was that the normal time that you would
12 report to Paradise routinely, 7:00 a.m. in the
13 morning?

14 A Correct.

15 Q Were there times when you reported there
16 later?

17 A Well, we not perfect. Maybe I arrive 10
18 minutes before or a couple of minutes after.

19 Q Well, if you always arrive 10 minutes
20 before, they would call you perfect, but okay, fair
21 enough.

22 What time would you then -- what would you
23 do when you got to the Paradise place where they keep
24 the equipment?

25 THE INTERPRETER: I am sorry, can you

1 JONATAN BARAHONA

2 repeat the question?

3 MR. INGOGLIA: Yeah.

4 Q What would you do when you got to
5 Paradise's location?

6 A Well, we had to load the truck with all the
7 tools and I had to warm up the truck and then we
8 started like driving to the job site that we have to
9 go to.

10 Q What time would you normally arrive at your
11 first job site?

12 A Depends what it was 'cause sometimes it's a
13 long trip. Sometimes it could be a short trip. I
14 can't give you like a specific time.

15 Q Well, if it was a long trip, when would you
16 arrive there?

17 A In one hour or an hour and a half maybe
18 because remember, we had to drive commercial time.

19 Q While you were working for Paradise, were
20 you aware of any time limitations that you had as far
21 as when you could actually start working at a job
22 site?

23 A In the estimate, we were supposed to arrive
24 within an hour, but sometimes we were not on time --
25 we couldn't get it on time.

1 JONATAN BARAHONA

2 Q Okay.

3 What I mean is what was the earliest you
4 could start working at a job site?

5 A At eight o'clock in the morning.

6 Q Okay, thank you.

7 On average, when did the workday end?

8 A Depends of the job. Sometimes it could
9 take us from four to five days and it could last like
10 three hours. It depends. Depends the kind of job we
11 have to do. Could take one day. I don't know.

12 Q What I really mean is what time did the
13 workday end?

14 A Until we finish.

15 Q What time would that be?

16 A Depends on the job what that we have to do.
17 I cannot give you a specific time.

18 Q Would it be fair to say that it would be
19 less than 10 hours per day that you would work?

20 A Correct.

21 Q Thank you.

22 Is it possible that the average workday
23 would be less than eight hours?

24 MR. MOSER: Just for the record, I
25 would like the question read back.

1 JONATAN BARAHONA

2 MR. INGOGLIA: Sure.

3 MR. MOSER: Because I believe --

4 MR. INGOGLIA: -- go ahead.

5 MR. MOSER: There was a
6 mistranslation.

7 (The requested portion of the record
8 was read by the reporter.)

9 MR. MOSER: The average workday.

10 A Sometimes.

11 Q How about would the average workday at
12 times be less than six hours?

13 A We never worked for that amount of time.

14 Q For less than six hours?

15 A No, because we always work with a schedule,
16 so the owner of the company usually give us a
17 schedule and we have to work for those hours that he
18 give it to us.

19 Q So what I'm asking is, were there times
20 you worked less than six hours per day?

21 A When we went to do a job for three hours or
22 sometimes for two hours.

23 Q I'm talking about for the whole day, were
24 there times you had worked less than six hours per
25 day?

1 JONATAN BARAHONA

2 A Maybe.

3 Q Now, let's focus on the months of December,
4 January and February.

5 A Okay.

6 MR. INGOGLIA: Actually, you know
7 what, can we take a five-minute break? I
8 need to get water or something.

9 THE VIDEOGRAPHER: We are going off
10 the record. The time is 11:11.

11 (A short recess was taken.)

12 THE VIDEOGRAPHER: We're now back on
13 the record. The time is 11:21.

14 CONTINUED EXAMINATION BY

15 MR. INGOGLIA:

16 Q Mr. Barahona, I'd like to talk to you about
17 those months that you worked at Paradise Tree during
18 December, January and February.

19 (Witness started speaking in Spanish.)

20 Q I didn't ask anything yet. I'm just
21 directing your attention.

22 So during those months, what was your
23 average workday and how many days per week did you
24 work on average?

25 A Okay.

1 JONATAN BARAHONA

2 So those days we -- on that time we used to
3 work two or three days per week and then we also used
4 to work eight hours per day because it gets dark
5 early, so we leave the job earlier.

6 Q So just so I'm correct, during the months
7 of December, January and February, you would normally
8 work two to three days per week and approximately
9 eight hours per day?

10 A Correct.

11 Q Okay, thank you.

12 What would you be paid during the months of
13 December, January and February for work those two to
14 three days per week?

15 A \$200 per day.

16 Q Was there ever a time that you worked for
17 Paradise Tree in the roughly four years that you
18 worked there that you didn't earn \$200 per day?

19 A Yes, because I was driving. If I didn't
20 have to drive, only \$150.

21 Q Okay.

22 Well, in the four years that you worked
23 there, how often would you say it was that you didn't
24 have to drive?

25 A It was very rare. I almost always have to

1 JONATAN BARAHONA

2 drive.

3 Q Okay. All right.

4 When you were working there for the last
5 month or so, let's say, who were you working -- who
6 were the other people you worked with?

7 A We were five people in total.

8 Q That was like the last month you were
9 there?

10 A The months, yes, but the last days that I
11 work there, we were like eight people.

12 Q Okay.

13 Did you work with any of the same people
14 from the time you started to the time you ended?

15 A Except Hector.

16 Q Did you work with anyone else besides
17 Hector?

18 A With the same people that we used to have.
19 Sometimes we used to pick up some people at Home
20 Depot, but just to work for the day.

21 Q Do you know the names of any of the people
22 that you worked with regularly, besides Hector?

23 A Yes.

24 Q And who are they?

25 A Jorge, J-O-R-G-E, Mario, M-A-R-I-O, Armando

1 JONATAN BARAHONA

2 A-R-M-A-N-D-O.

3 Q Do you know Jorge's last name?

4 A Maldonado, M-A-L-D-O-N-A-D-O.

5 Q Do you know Mario's last name?

6 A No, I don't know their last name, either
7 the other one. Just the name.

8 Q But you know Jorge Maldonado?

9 A He was the one who brought me into the
10 company.

11 Q Oh, okay.

12 When you left the company, was Jorge
13 Maldonado still working there?

14 A He worked for another year.

15 Q How about Hector Hernandez, how long did
16 you work with him?

17 A For one year.

18 Q And that was at Paradise Tree?

19 A Correct.

20 Q So Hector Hernandez, to your knowledge,
21 worked for Paradise Tree for one year?

22 MR. MOSER: Objection as to form.
23 Mischaracterization.

24 MR. INGOGLIA: Can he answer the
25 question?

1 JONATAN BARAHONA

2 MR. MOSER: Over my objection.

3 A Not exactly, but I do know that it was for
4 about one year.

5 Q Are you and Mr. Hernandez friends outside
6 of work?

7 A Correct.

8 Q Okay.

9 You said that Mr. Maldonado brought you
10 into Paradise, so to speak, told you about the job,
11 something like that, right?

12 A Yes, correct, he used to be the manager.

13 Q Okay.

14 Was there a time when you became the
15 manager of Paradise Tree?

16 A No, never.

17 Q Prior to working for Paradise Tree, did you
18 work for another landscape or tree service company?

19 A Yes.

20 Q What was the name of that company?

21 A I worked for a few of them. The other one
22 was Metropolitan Landscaping Services -- Metropolitan
23 Tree Service.

24 Q When did you work for Metropolitan?

25 A I work for a few days. I work in several

1 JONATAN BARAHONA

2 ones. So I just work, like if they call me, I used
3 to work. Not like in Paradise that I had a permanent
4 job.

5 Q Are you claiming in this action, this
6 lawsuit, that Paradise Tree Service didn't pay you
7 enough overtime hours or any overtime hours or
8 something else?

9 A All the overtime they didn't pay me.

10 Q Is that all the overtime did you say?

11 A I never received any extra payment. Only
12 the regular pay.

13 Q When you say you never received any extra
14 payment, the overtime, would it be fair to say that
15 that was for the entire time that you worked there,
16 the approximate four years?

17 A For the four years.

18 Q Have you calculated yourself what that
19 amount of money that you didn't receive from Paradise
20 is, how much it's worth?

21 A Not exactly. The only thing that I know is
22 we used to make about 60 hours per week.

23 Q I'm not sure exactly what you're referring
24 to.

25 What I was asking is did you calculate

1 JONATAN BARAHONA

2 yourself how much money you in your -- by your own
3 thoughts should have been paid?

4 A The percentage of the hours that they
5 didn't pay me.

6 Q All right. Okay.

7 For the four years, do you think the amount
8 that you weren't paid for those overtime hours was
9 less than, equal to or greater than \$10,000?

10 A More.

11 Q How much more?

12 A I don't know exactly.

13 Q Is it less than -- that amount, is it less
14 than or equal to or over \$20,000?

15 A I don't know exactly.

16 Q Do you know approximately how much it is?

17 MR. MOSER: Objection. Privileged.

18 MR. INGOGLIA: Privilege?

19 MR. MOSER: Yes.

20 Q Well, I'm not -- let me make it clear.

21 I'll withdraw that question, but I'm not asking you
22 to tell me any conversations you've had with your
23 attorney, okay. What I'm asking is if you yourself
24 have an idea, or based on your own thoughts, your own
25 calculations, as to how much you're owed?

1 JONATAN BARAHONA

2 A Not exactly.

3 Q Okay.

4 Do you have an idea, and again not based on
5 your conversations with your attorney, but you
6 yourself, do you have an idea of how many hours of
7 overtime you're owed?

8 A 12 hours per week, 48 -- I probably will
9 say maybe 50 hours extra per month for all those four
10 years.

11 Q So 50 hours extra per month for those four
12 years?

13 MR. MOSER: What did the witness
14 say.

15 A How many hours should it be?

16 Q I don't know how many hours. It's his
17 testimony. I'm asking you.

18 So 50 hours per month though for four years
19 was your testimony?

20 A (Witness nods head.)

21 Q Which comes out to 2,400 overtime hours
22 during those 48 months?

23 A That is not exactly the amount, right?

24 Q 48 times 50 is 2,400, so I'm just going by
25 what you said.

1 JONATAN BARAHONA

2 A But it's not exactly the amount. It's just
3 something I say like minimum.

4 Q Is it more than 2,400 hours of overtime
5 that you believe you're owed?

6 A Well, exactly I would say 20 hours per
7 week, that would be the amount, so exactly of 80,
8 that would be the amount.

9 Q 20 hours per week?

10 A So I was supposed to work 40 hours per week
11 and I was working 55, sometimes 65 hours. I don't
12 know exactly.

13 Q So is it fair to say that according to you
14 you worked about 15 to 20 hours per week in overtime
15 that you didn't get paid for?

16 A Correct.

17 Q And that lasted for the four years roughly
18 that you worked there?

19 A Not exactly. Sometimes in hurricane time
20 we were supposed to start at 6:00 a.m. and end at
21 8:00 p.m.

22 Q You were supposed to start?

23 A Only in that case. We didn't have like a
24 specific time to start or to end.

25 Q Okay, but what about during the months of

1 JONATAN BARAHONA

2 December, January and February, are you saying that
3 during those months you also worked 15 to 20 hours
4 per week in overtime that you weren't paid for?

5 A No.

6 Q So would it be fair to say you're not
7 claiming overtime -- unpaid overtime for December,
8 January and February?

9 A I will say January and February, that those
10 are the days that we didn't have long hours. Like I
11 say before, it gets dark early so we only work for
12 eight hours.

13 Q You stated before that December, January
14 and February you worked two to three days per week
15 and you also stated that on those two to three days
16 per week, you worked approximately eight hours per
17 day and you mentioned the darkness. Does that sound
18 correct to you or do I have that wrong?

19 A Yes, it's correct.

20 Q Okay.

21 So it would be fair to say for the months
22 December, January and February each year that you're
23 not claiming that you weren't paid overtime hours
24 during those months?

25 A I didn't work, didn't do those.

1 JONATAN BARAHONA

2 Q I'm sorry?

3 A Can you repeat the question again?

4 Q Yeah.

5 All the hours that you're claiming that you
6 weren't paid for overtime work occurred, okay, March
7 through November, correct?

8 A Correct.

9 Q Okay.

10 A (Continuing) I'm claiming what it is.

11 Q Okay.

12 Now, is it also your claim that, so
13 through, let's say, March through November, those
14 nine months, that you're claiming each week you
15 weren't paid approximately 15 to 20 hours worth of
16 overtime?

17 A Correct.

18 Q Would it be fair to say for one year from
19 March to November at a rate of 15 to 20 hours per
20 week of unpaid overtime, that equals 580 hours to 780
21 hours for those nine months of unpaid overtime?

22 A Okay.

23 Q Okay.

24 And approximately for the four years that
25 you worked there, according to your testimony,

1 JONATAN BARAHONA

2 there's 2,340 to 3,120 of unpaid hours of overtime?

3 A Okay, I don't know the exact amount of
4 hours, but they were unpaid.

5 Q Okay.

6 Is this the first claim you've ever made
7 about not being paid overtime hours?

8 A Depends because if I work for one person
9 for one day, I cannot just go and claim one day, but
10 this one I worked for a long time.

11 Q Were you ever involved in another lawsuit
12 where you sued another employer for like for the
13 claims you are making here?

14 A Correct.

15 Q When was that?

16 A I don't remember. It has been a long
17 time.

18 Q When was the -- what was the name of the
19 company you sued?

20 A Joe's Complete Tree Service.

21 Q Was that in 2016?

22 A I don't remember the day exactly.

23 Q I'm not asking the date exactly. I'm
24 asking was it in the year 2016 that you made that
25 claim?

1 JONATAN BARAHONA

2 A I don't remember.

3 Q Was it in 2017?

4 A No, I don't have the day exactly.

5 Q What claims did you make in that case?

6 A For the same thing.

7 Q Well, for how long?

8 A For how long what?

9 Q Did you make a claim for overtime hours
10 that weren't paid to you?

11 A I just worked there for one year.

12 Q Did you ever reside at 54 Remsen Avenue in
13 Hempstead?

14 A Yes.

15 Q When did you reside there?

16 A I don't remember.

17 Q Well, was it 2022?

18 A No.

19 Q Was it 2021?

20 A No, I don't remember. Maybe in 2014
21 or 2015.

22 Q Okay, fair enough.

23 Did you work for Jonathan's Tree -- sorry,
24 Joe's Complete Tree Service from March 2012 until
25 approximately March 2016?

1 JONATAN BARAHONA

2 A I don't have the specific day. It's been a
3 long time.

4 Q I'm not asking specifics. I'm asking
5 approximately.

6 Did you work for them approximately from
7 March 2012 until approximately March 2016?

8 A That's my answer. I have no idea.

9 MR. MOSER: Counselor, I have a twelve
10 o'clock call with a court that I cannot --

11 MR. INGOGLIA: We can break then.

12 MR. MOSER: I just need 15 minutes.

13 MR. INGOGLIA: Tell me when you want
14 to break.

15 MR. MOSER: Can we break now?

16 MR. INGOGLIA: We can and then I guess
17 we should just break for like a half hour
18 or something.

19 MR. MOSER: For lunch?

20 MR. INGOGLIA: I guess so. That makes
21 sense.

22 MR. MOSER: That makes sense.

23 MR. INGOGLIA: Do you guys agree with
24 that?

25 MR. MOSER: Yeah.

1 JONATAN BARAHONA

2 THE VIDEOGRAPHER: We're going off the
3 record the time is 11:54.

4 (Recess from 11:54 a.m. until
5 12:37 p.m.)

6 THE VIDEOGRAPHER: We are now back on
7 the record. The time is 12:37.

8 MR. INGOGLIA: Thank you.

9 CONTINUED EXAMINATION BY

10 MR. INGOGLIA:

11 Q Mr. Barahona, I believe we were talking
12 about the prior lawsuit that you had made, that you
13 had commenced against Joe's Tree Service. Do you
14 recall that lawsuit?

15 A I just know that I worked there before I
16 started in Paradise.

17 Q Well, I'm asking about the lawsuit
18 specifically. Do you recall commencing a lawsuit
19 against Joe's Complete Tree Service in or
20 about 2016?

21 A In 2016 when I work?

22 Q Do you recall commencing a lawsuit against
23 Joe's Complete Tree Service in 2016?

24 A Maybe in 2015, 2016 that happened around
25 that time. We are already in 2023.

1 JONATAN BARAHONA

2 Q Thank you.

3 MR. INGOGLIA: Can we mark that,
4 please.

5 (A 10-page Collective Action
6 Complaint was received and marked
7 Defendants' Exhibit A for identification,
8 as of this date.)

9 Q Mr. Barahona, I'm going to show you
10 something that's been marked as Defendants' -- a
11 document that's been marked as Defendants' Exhibit A
12 with today's date on it.

13 MR. INGOGLIA: I'll show it to counsel
14 first.

15 Q I'd just like you to look at that document
16 and tell me if that refreshes your recollection as to
17 when you commenced a lawsuit against Joe's Complete
18 Tree Service (handing).

19 (Witness examines document.)

20 A It has the translation in Spanish? No.

21 Q I understand.

22 Would it be fair to say that you did not --
23 you're not -- you do not -- you're not able to read
24 English?

25 A No.

1 JONATAN BARAHONA

2 Q Okay.

3 With regard to speaking English, can you
4 speak any English?

5 A No.

6 Q Now, it says on paragraph 30 of the
7 document that I just -- Defendants' Exhibit A,
8 paragraph 30, it says Plaintiff Jonatan Barahona was
9 employed by Defendants at Joe's Complete Tree
10 Service, Inc. from in or around March 2012 until in
11 or around March 2016.

12 MR. MOSER: If I may, the witness is
13 not reading the question from the document
14 that's in front of him. He's being asked
15 the question, so if the question can just
16 be translated to him rather than him
17 referencing the document --

18 MR. INGOGLIA: You didn't let me
19 finish my question. You interrupted me
20 before. That was a preemptive to my
21 question.

22 MR. MOSER: Oh, yeah, I'm sorry, about
23 that.

24 MR. INGOGLIA: Yeah, that's cool.
25 Yeah, why not. Why don't I just read that

1 JONATAN BARAHONA

2 over again.

3 MR. MOSER: I guess I just want to
4 clarify --

5 MR. INGOGLIA: Can we off for a second
6 and then you can tell?

7 MR. MOSER: We can stay on.

8 MR. INGOGLIA: All right, stay on.

9 MR. MOSER: You just want to clarify
10 that there's no basis for questioning him
11 regarding this particular document. I have
12 no objection to you asking him whether a
13 particular statement is true or false. I
14 just -- it just seems a little confusing to
15 him to be looking at a document with the
16 translator there, so that's my only
17 objection.

18 MR. INGOGLIA: Okay, well back on --
19 well, we're still on.

20 CONTINUED EXAMINATION BY

21 MR. INGOGLIA:

22 Q Mr. Barahona, paragraph 30 of this document
23 states -- I understand you can't read English, but we
24 do have a translator here, okay. Paragraph 30 of
25 this document states you worked for Joe's Complete

1 JONATAN BARAHONA

2 Tree Service from about March 2012 until March 2016.
3 My question is are those dates accurate to indicate
4 when you did work for Joe's Complete Tree Service?

5 A I couldn't tell you that. Maybe my
6 translation was wrong because in 2012, I don't think
7 so. I only work for one year for that company.

8 Q Okay.

9 Defendants' Exhibit A, paragraph 31 states
10 that your primary duties were as a tree cutter and
11 performing other miscellaneous duties from March 2012
12 until March of 2016. Is that statement accurate?

13 A I couldn't tell you exactly the date
14 because I don't know if I make a mistake with the
15 translation telling them the date, the correct date.
16 The duties, yes, that's what I used to do, but
17 regarding the date, I'm not sure.

18 Q Okay.

19 Despite what the document says, when did
20 you work for Joe's Tree Service?

21 A I don't remember. It was a long time ago.
22 I have no idea.

23 Q It had to be before this lawsuit,
24 correct?

25 A Correct.

1 JONATAN BARAHONA

2 Q Okay.

3 And if this lawsuit was filed on July 11,
4 2016, would it be fair to say that you worked for
5 Joe's Complete Tree Service before that date, before
6 July 11, 2016?

7 A Yes, I worked for them before 2016, but the
8 manager from Paradise is the one who is suing Jorge
9 Maldonado.

10 Q Is that it?

11 A So like what I did for them, yes. I just
12 don't remember the exact date, that was the correct
13 date. Like we are today that I'm having the
14 interpreter in front of me that is translating for me
15 in Spanish, it wasn't like that back then when I was
16 giving those dates.

17 Q Uh-huh.

18 Did you ever -- did you settle this
19 lawsuit?

20 A With who? Settle with who?

21 Q With the people you were suing.

22 A Like I say before, like Jorge Maldonado was
23 the one that translate for this case, so he was the
24 one who came up to tell us they came to a settle, but
25 like I don't know anything else.

1 JONATAN BARAHONA

2 Q So you don't know if you settled the
3 case?

4 A Well, they tried the case. They came to a
5 settle, but like I say before, Jorge was the one who
6 translate for us.

7 Q Did you receive any money? Do you recall
8 receiving a check?

9 A Yes.

10 Q Okay.

11 How much was it?

12 A 6,500.

13 Q Did you cash that check in any bank
14 account?

15 A They gave it to me and William change it
16 for me, the owner of Paradise.

17 MR. INGOGLIA: That's B.

18 (A photocopy of a check was received
19 and marked Defendants' Exhibit B for
20 identification, as of this date.)

21 MR. INGOGLIA: Thank you.

22 Q Mr. Barahona, I'm going to show you -- I'm
23 showing to counsel first -- what is marked
24 Defendants' Exhibit B for identification. It's
25 actually a copy of the front and back of a particular

1 JONATAN BARAHONA

2 check. I would like you to just take a look at it
3 and let me know if you recognize that check
4 (handing).

5 (Witness examines document.)

6 A Yes, this is the check.

7 Q Thank you.

8 So you're stating that where it states in
9 Defendants' Exhibit A that you worked for Joe's
10 Complete Tree Service for four years, that that's not
11 accurate; is that correct?

12 A Like I say before, I didn't work for that
13 amount of years. I only work for one year. I don't
14 know why it says it like that.

15 Q Okay.

16 MR. INGOGLIA: What did he say?

17 A Probably like the translation.

18 Q I'm going to show you Defendants' Exhibit B
19 again. It's the check. It's the backside of the
20 check. I'm going to ask you to take a look at that
21 (handing).

22 (Witness examines document.)

23 Q Now, it has -- your name appears there,
24 correct?

25 A This is my name, correct, and this is

1 JONATAN BARAHONA

2 William's name (indicating).

3 Q And you endorsed the check to William?

4 A So, he has changed it to me because back
5 then I didn't have a bank account so I couldn't cash
6 the check.

7 Q Right, so you signed over the check to
8 William, correct?

9 A Yes, yes.

10 Q And then William cashed it and presumably
11 gave you the money; is that correct?

12 A Yes, gave me the whole money.

13 Q Okay.

14 Now, below your name do you see where I
15 believe it says Republic de Honduras ID? Do you see
16 that?

17 A This one, yes.

18 Q Yes, then underneath that we have a number.
19 Can you tell me what this number is, what the numbers
20 are?

21 A This is my ID number, 0801199004804 and my
22 date of birth.

23 Q Then what is the number to the left of your
24 date of birth?

25 A I don't know exactly. Could it be the day

1 JONATAN BARAHONA

2 that they gave to me. I don't know exactly.

3 Q Whose handwriting is the Republic de
4 Honduras? Whose handwriting is that?

5 A I don't know. This is not my handwriting.
6 This is mine. This is different (indicating).

7 Q Your signature is your handwriting?

8 A I had a signature. They just told me to
9 print my name.

10 Q Do you know who wrote the information below
11 your name?

12 A So, I don't know. When he cash the check
13 at the bank, so they required my ID to prove that
14 that was my full name.

15 Q What ID did you give them?

16 A The ID from my country.

17 Q Which is what? What's it called? What's
18 the document called?

19 A How you call the ID? I don't understand.

20 Q You don't know what the ID is called? Is
21 it a driver's license? Is it a passport?

22 A It was an ID. That's it.

23 Q Who issued it?

24 A From my country. I brought it from my
25 country when I came.

1 JONATAN BARAHONA

2 Q Do you still have that ID?

3 A Correct.

4 Q Do you have it with you?

5 A Right now, no.

6 Q Do you have it at home?

7 A I have to look for it.

8 MR. INGOGLIA: We'll call for
9 production of that.

10 MR. MOSER: We'll take that request
11 under advisement.

12 Q So this number 0801199004804, it looks
13 like, what number is that?

14 A Could it be the ID number because this is
15 also my date.

16 Q Let me just -- you do not know what this
17 number signifies here, the one that apparently looks
18 like 118 with a line 16 with a line 2009? Do you
19 know what that number is or refers to?

20 A I don't know exactly. It could be the date
21 when I went to get my ID.

22 Q So it's possible that this number appears
23 on your ID, this number right here, the one that says
24 118, apparently 16, 2009?

25 A I have to verify.

1 JONATAN BARAHONA

2 MR. INGOGLIA: Again, we repeat our
3 request to produce the Honduras ID.

4 Q Has anyone been translating for you during
5 the course of this case? I don't want to know what
6 you said to your attorney. I just want to know has
7 anyone been translating for you?

8 MR. MOSER: Objection as to form.

9 A So like I say before, Jorge was the one who
10 was translating for my attorney. So me and my
11 friend, they used to ask like what did we do. In a
12 few words, they were like going directly to Jorge,
13 not for us because of the language barrier.

14 Q I understand.

15 I'm specifically referring to now, to this
16 case, the one you're involved in now, not the old
17 case, okay?

18 A Oh, so who has been translating?

19 Q Yes, for this case.

20 A Well, my attorney speaks Spanish.

21 Q Okay.

22 Is that how you communicate with your --

23 MR. MOSER: Objection.

24 MR. INGOGLIA: You have to let me
25 finish my question.

1 JONATAN BARAHONA

2 MR. MOSER: Okay.

3 MR. INGOGLIA: I can ask. Methods of
4 communication are not privileged.

5 Q I'm asking -- I don't want to know what you
6 tell your attorney. I just want to know if there's
7 anyone else who translates for you when you
8 communicate with your attorney?

9 A No, he speaks Spanish and his secretary
10 speaks Spanish.

11 Q Okay.

12 What would be your normal ending time when
13 you worked for Paradise Tree? Like during the months
14 of March to November, what would be the normal
15 time, customary time that you would end each day?

16 A So in total like I would say I will end
17 between 6:00, 7:00 p.m. Sometimes it went up to
18 8:00 p.m. because if it's a long trip, I'm still like
19 making money when I'm driving the truck from the
20 company.

21 Q Okay.

22 Did you ever request from Mr. Nieto that he
23 pay you for your overtime hours?

24 A Always.

25 Q Always, what does that mean?

1 JONATAN BARAHONA

2 A I always told him that I want to get a
3 raise for what to do.

4 Q I'm not talking about a raise. I'm talking
5 about being paid for the overtime hours you say you
6 weren't being paid for?

7 A No, I never receive any payment.

8 Q I didn't ask if you received it. I asked
9 did you ever ask him for it?

10 A You're asking about the hours? I just told
11 him that what he didn't pay me.

12 Q Did you ever ask him to pay you the unpaid
13 overtime hours that you're complaining about in this
14 action?

15 A I always had the problem with him.

16 MR. MOSER: I'd like to take a break
17 for just one minute, speak with the
18 witness.

19 MR. INGOGLIA: I'd like to finish this
20 question because we're going back and forth
21 on it.

22 MR. MOSER: Well, the question was
23 answered.

24 THE VIDEOGRAPHER: We are going off
25 the record. The time is 1:10.

1 JONATAN BARAHONA

2 (A short recess was taken.)

3 THE VIDEOGRAPHER: We are now back on
4 the record. The time is 1:13.

5 CONTINUED EXAMINATION BY

6 MR. INGOGLIA:

7 Q So during your employment with Paradise
8 Tree Service, did you ever complain to Mr. Nieto that
9 you weren't getting paid for your overtime hours?

10 A Correct.

11 Q When was that?

12 A Many times I ask for it.

13 Q When was the first time?

14 A I don't remember.

15 Q All right.

16 MR. INGOGLIA: So I guess we'll make
17 this C.

18 (A two-page declaration was received
19 and marked Defendants' Exhibit C for
20 identification, as of this date.)

21 Q I'm showing you what has been marked as
22 Defendants' Exhibit C for identification today. Do
23 you recognize that document (handing)?

24 (Witness examines document.)

25 A Correct.

1 JONATAN BARAHONA

2 Q What is it?

3 A This is what I spoke with my attorney about
4 what I'm claiming.

5 Q Okay.

6 When you asked Mr. Nieto about paying you
7 for overtime hours, what, if anything, did he say to
8 you?

9 A If I didn't like it, just leave.

10 MR. INGOGLIA: That will be the last
11 one.

12 (A one-page uniform traffic ticket
13 was received and marked Defendants' Exhibit
14 C for identification, as of this date.)

15 Q Mr. Barahona, I'm showing you what has been
16 marked as Defendants' Exhibit D for today. Do you
17 recognize what that's a copy of (handing)?

18 (Witness examines document.)

19 A Yes, that's a ticket.

20 Q It's a ticket you received?

21 A No, I put it under a different address
22 because where I used to live, it was not secure,
23 safe.

24 Q You put the ticket under a different
25 address?

1 JONATAN BARAHONA

2 A Yes, because where I used to live, it
3 wasn't safe and I have to receive this.

4 Q Right, okay.

5 The violation that's alleged on this ticket
6 is unlicensed CDL operation. Do you recall that?

7 A Yes, this ticket was in the parkway, a
8 ticket that he was supposed to pay, and I had to pay
9 that with that condition I was driving. Not only me,
10 the whole company.

11 Q Okay.

12 So it says here that this occurred on the
13 Long Island Expressway eastbound at 48 weigh station.
14 Do you recall if that's where you got this ticket?

15 A Correct.

16 Q So how did you get this ticket exactly, did
17 you pull into the weigh station, were you pulled over
18 by somebody or something else?

19 A So, I was driving the truck and on that
20 parkway on 495 there is a scale where they make the
21 trucks stop and they weigh them, DOT. That's how
22 they call it. So they stopped me and I didn't have
23 the license.

24 Q Did you have any license on you?

25 A No, none.

1 JONATAN BARAHONA

2 Q Neither a regular driver's license? I'm
3 not talking about a CDL. I'm talking about just a
4 regular driver's license.

5 A No, none.

6 Q On the ticket underneath it says LIC,
7 period, state and it has the letters O and T. Do you
8 know what that refers to?

9 A No.

10 Q When they stopped you, did they ask you for
11 your license?

12 A That was the first thing.

13 Q So the address that appears on here
14 underneath your name is 208 South Franklin Street.
15 Whose address is that?

16 A It's one of his ex-worker.

17 Q One of whose ex-worker?

18 A From William.

19 Q What's the name of that ex-worker?

20 A Jorge is also his name.

21 Q What's his last name?

22 A I don't know.

23 Q How did you know his address?

24 A I was his friend.

25 Q Okay.

1 JONATAN BARAHONA

2 So you don't know his last name?

3 A No, because he was in the truck with me
4 when I got pulled over.

5 Q I see.

6 Is there any reason why you gave them
7 Jorge's address instead your address?

8 A Because where he lives, nothing get lost
9 instead of where I live.

10 MR. INGOGLIA: All right, I have
11 nothing further.

12 THE VIDEOGRAPHER: We are going off
13 the record. The time is 1:26.

14 -oOo-

15 (Time noted: 1:26 p.m.)

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A C K N O W L E D G M E N T

STATE OF NEW YORK)
:
COUNTY OF)

I, JONATAN BARAHONA, hereby certify
that I have read the transcript of my testimony taken
under oath in my deposition of February 6, 2023; that
the transcript is a true, complete and correct record
of what was asked, answered and said during this
deposition, and that the answers on the record as
given by me are true and correct.

JONATAN BARAHONA

Subscribed and sworn to
before me this _____ day
of _____, 2023

Notary Public

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C E R T I F I C A T E

STATE OF NEW YORK)

: SS:

COUNTY OF NASSAU)

I, LISA CONWAY, a Shorthand Reporter and
Notary Public within and for the State of New York,
do hereby certify:

That JONATAN BARAHONA, the witness whose
deposition is hereinbefore set forth, was duly sworn
by me, and that such deposition is a true record of
the testimony given by such witness.

I further certify that I am not related to any
of the parties to this action by blood or marriage,
and that I am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 6th day of February, 2023.

Lisa Conway

LISA CONWAY



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